

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

VIRGINIA L. HUMPHREYS and BRIAN C.
HUMPHREYS,

Plaintiffs,

v.

PPL ELECTRIC UTILITIES CORPORATION,
NORTHAMPTON COUNTY DEPARTMENT OF
HUMAN SERVICES, NORTHAMPTON
COUNTY AREA AGENCY ON AGING,
MS. BARBARA KLEINTOP and BETHLEHEM
POLICE DEPARTMENT,

Defendants.

CIVIL ACTION
NO. 12-4334

ORDER

AND NOW, this 21st day of November, 2013, upon consideration of all pending Motions to Dismiss and Memoranda of Law in Support, upon consideration of the pending Motion for Judgment on the Pleadings and Memorandum of Law in support, as well as Plaintiffs' responses to said motions, it is hereby **ORDERED** as follows:

1. The Motion to Dismiss of Defendants, PPL Electric Utilities Corporation and Michelle LaWall, for Failure to State a Claim Upon Which Relief Can be Granted (Docket No. 14) is **GRANTED** in part and **DENIED** in part;
2. Count I of Plaintiffs' Amended Complaint as to Defendants, PPL Electric Utilities and Michelle LaWall is **DISMISSED** with prejudice. Count II of Plaintiffs' Amended Complaint as to Defendants, PPL Electric Utilities and Michelle LaWall is **DISMISSED** without prejudice to Plaintiffs' right to refile a second amended complaint setting forth plausible, factually specific allegations of negligence as to PPL and LaWall;

3. The Motion to Dismiss of Defendants, Northampton County Department of Human Services, Northampton County Area Agency on Aging and Barbara Kleintop (Docket No. 28), is **GRANTED** in part and **DENIED** in part;
4. The Motion to Dismiss of Defendants, Northampton County Department of Human Services, Northampton County Area Agency on Aging and Barbara Kleintop, is **GRANTED** as to Count III of Plaintiffs' Amended Complaint and is **GRANTED** to the extent it seeks to remove any claims under 18 U.S.C. § 242 from Counts IV, V, VI, X and XI of the Amended Complaint. The Motion is **DENIED** as to Counts X and XI;
5. Counts IV, V and VI of Plaintiffs' Amended Complaint are **DISMISSED** without prejudice to Plaintiffs' right to refile plausible, factually specific allegations of § 1983 violations against Northampton County Area Agency on Aging, Northampton County Department of Human Services and Kleintop. Count III of Plaintiffs' Amended Complaint, as well as all claims made pursuant to 18 U.S.C. § 242 are **DISMISSED** with prejudice.
6. The Motion for Judgment on the Pleadings of Defendants, City of Bethlehem, PA, Police Department, et al (Docket No. 29), is **GRANTED** in part and **DENIED** in part;
7. The Motion for Judgment on the Pleadings of Defendants, City of Bethlehem, PA, Police Department, et al is **GRANTED** to the extent it seeks to dismiss City of Bethlehem, PA Police Department from this action and **GRANTED** to the extent it seeks dismissal of Count IX of Plaintiff's Amended Complaint. The remainder of the Motion is **DENIED**.

8. City of Bethlehem, PA Police Department is **DISMISSED** from this action with prejudice and Count IX is **DISMISSED** from Plaintiff's Amended Complaint with prejudice; and
9. Plaintiffs have twenty (20) days to file an Amended Complaint which sets forth more specificity in Counts II, IV, V, and VI. Plaintiffs are cautioned that if they fail to set forth the required specificity in these counts, the Court will dismiss these counts from Plaintiff's amended pleading.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.